106919

ORDINANCE NO. 3

SERIES 1981

AN ORDINANCE REGULATING THE USE OF PUBLIC AND PRIVATE SEWERS AND DRAINS, PRIVATE SEWAGE DISPOSAL, THE INSTALLATION AND CONNECTION OF BUILDING SEWERS, AND THE DISCHARGE OF WATERS AND WASTES INTO THE PUBLIC SEWER SYSTEM(S): PROVIDING PENALTIES FOR VIOLATIONS THEREOF: AND DECLARING AN EMERGENCY.

The City of Elgin does ordain as follows:

ARTICLE I

Definitions

Unless the content specifically indicates otherwise, the meaning of terms used in this ordinance shall be as follows:

Section 1. BOD (Denoting Biochemical Oxygen Demand). The quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure in five days at 20° C., expressed in milligrams per liter.

Section 2. Building Drain. That part of the lowest horizontal piping of a drainage system which receives the discharge from soil, waste and other drainage pipes inside the walls of the building and conveys it to the building sewer, beginning five feet (1.5 meters) outside the inner face of the building wall.

Section 3. Building Sewer. The extension from the building drain to the public sewer or other places of disposal.

Section 4. Combined Sewer. A sewer receiving both surface runoff and sewage.

Section 5. Garbage. Solid wastes from the domestic or commercial preparation, cooking and dispensing of food, and from the handling, storage and sale of produce.

Section 6. Industrial Wastes. The liquid waste from any nongovernmental user of publicly owned treatment works identified in the Standard Industrial Classification Manual, 1972, Office Management Budget, as amended and supplemented under the following divisions:

(a) Division A, Agriculture, Forestry and Fishing.

(b) Division B, Mining.

(c) Division C, Manufacturing.

(d) Division D, Transportation, Communications, Electric, Gas and Sanitary Services.

(e) Division I, Services.

A user in the divisions listed may be excluded if it is determined that it will introduce primarily segregated domestic waste or waste from sanitary conveniences.

Section 7. Inspector. The state of Oregon plumbing inspector or his authorized deputy, agent or representative.

Section 8. Natural Outlet. Any outlet into a water course, pond, ditch, lake or other body of surface or groundwater.

Section 9. Person. Any individual, firm, company, association, society, corporation or group.

Section 10. pH. The logarithm of the reciprocal of the weight of hydrogen ions in grams per liter of solution.

Section 11. Properly Shredded Garbage. The wastes from the preparation, cooking and dispensing of food that have been shredded to such a degree that all particles will be carried freely under the flow conditions normally prevailing in public sewers with no particle greater than one-half inch (1.27 centimeters) in any dimension.

Section 12. Public Sewer. A sewer in which all owners of abutting properties have equal rights and which is controlled by public authority.

Section 13. Sanitary Sewer. A sewer which carries sewage and to which storm, surface and groundwaters are not intentionally admitted.

Section 14. Sewage. A combination of the watercarried wastes from residences, business buildings, institutions and industrial establishments, together with such ground, surface and stormwaters as may be present.

Section 15. Sewage Treatment Plant. Any arrangements of devices and structures used for treating sewage.

Section 16. Sewage Works. All facilities for collecting,

pumping, treating and disposing of sewage.

Section 17. Sewer. A pipe or conduit for carrying sewage.

Section 18. Shall; May. Shall is mandatory, may is permissive.

Section 19. Slug. Any discharge of water, sewage or industrial waste which in concentration of any given constituent or in quantity of flow exceeds during a minimum 15 minute period more than five times the average 24 hour concentration or flows during normal operation.

Section 20. Storm Draim (Sometimes Termed "Storm Sewer"). A sewer which carries storm and surface waters and drainage, but excludes sewage and industrial wastes, other than unpolluted cooling water.

Section 21. Suspended Solids. Solids that either float on the surface of or are in suspension in water, sewage or other liquids and which are removable by laboratory filtering.

Section 22. Watercourse. A channel in which a flow of water occurs, either continuously or intermittently.

## ARTICLE II

## Use of Public Sewers Required

Section 23. Unsanitary Disposal of Waste. It shall be unlawful for any person to place, deposit or permit to be deposited in any unsanitary manner on public or private property within the City of Elgin, or in any area under the jurisdiction of said City, any human or animal excrement, garbage or other objectionable wastes.

Section 24. Unlawful Discharge of Sewage. It shall be unlawful to discharge to any natural outlet within the City of Elgin, or in any area under the jurisdiction of the City, any sewage or other polluted waters, except where suitable treatment has been provided in accordance with subsequent provisions of this ordinance.

Section 25. Privies, Septic Tanks, Etc. Except as hereinafter provided, it shall be unlawful to construct or maintain any privy, privy vault, septic tank, cesspool or other facility intended or used for the disposal of sewage on any premises located within 200 feet of a sewer line.

Section 26. Sewer Connections Required. The owner of any house, building or property used for human occupancy, employment, recreation or other purposes, situated within the City and abutting on any street, alley or right-of-way, in which there is now located or may in the future be located a public sanitary or combined sewer of the City, shall at his expense install suitable toilet facilities therein and connect such facilities directly with the proper public sewer, in accordance with the provisions of this ordinance, within 90 days after date of official notice to do so; provided that said public sewer is within 200 feet of the property line. There will be a $200.00 minimum late fee charged after 90 days from the date of official notice.

ARTICLE III

Private Sewage Disposal

Section 27. Private Disposal. When a public sanitary or combined sewer is not available under the provisions of Section 26, the building sewer shall be connected to a private sewage disposal system complying with the provisions of this article.

Section 28. Permit. Before commencement of construction of a private sewage disposal system, the owner shall first obtain a written permit signed by the inspector. The application for such permit shall be made on a form furnished by the City which the applicant shall supplement by any plans, specifications and other information as deemed necessary by the inspector. A permit and inspection fee may be charged by the inspector.

Section 29. Inspection. A permit for a private sewage disposal system shall not become effective until the installation is completed to the satisfaction of the inspector. He shall be allowed to inspect the work at any stage of construction and, in any event, the applicant for the permit shall notify the inspector when the work is ready for final inspection and before any underground portions are covered. The inspection shall be made within a reasonable time after the receipt of

notice by the inspector.

Section 30. Compliance with State Recommendations. The type, capacities, location and layout of a private sewage disposal system shall comply with all recommendations of the Department of Environmental Quality of the State of Oregon. No septic tank or cesspool shall be permitted to discharge to any natural outlet.

Section 31. Sewer Connections. At such time as a public sewer becomes available to a property served by a private sewage disposal system, as provided in Section 30, a direct connection shall be made to the public sewer in compliance with this ordinance; and any septic tanks, cesspools and similar private sewage disposal facilities shall be abandoned and filled with suitable material.

Section 32. Operation and Maintenance. The owner shall operate and maintain the private sewage disposal facilities in a sanitary manner at all times, at no expense to the City.

Section 33. Additional Requirements. No statement contained in this article shall be construed to interfere with any additional requirments that may be imposed by the health officer or inspector.

Section 34. Discontinuance of Private Disposal. When a public sewer becomes available, the building sewer shall be connected to said sewer within 90 days and the private sewage disposal system shall be cleaned of sludge and filled with clean bank run gravel or dirt.

Section 35. User Fees. A user fee will be charged to all property owners to whom the sewer is available.

## ARTICLE IV

## Building Sewers and Connections

Section 36. Permits. No unauthorized person shall uncover, make any connections with or opening into, use, alter or disturb any public sewer or appurtenance thereof without first obtaining a written permit from the inspector.

Section 37. Applications. There shall be two classes of building sewer permits:

(a) For residential and commercial service.

(b) For service to establishments producing industrial wastes. In either case, the owner or his agent shall make application on a special form furnished by the City. The permit application shall be supplemented by any plans, specifications or other information considered pertinent in the judgment of the inspector. A permit and inspection fee for a residential or commercial building sewer permit and for any industrial building sewer permit may be charged by the inspector at the time the application is filed.

Section 38. Costs. All costs and expense incident to the installation and connection of the building sewer shall be borne by the owner. The owner shall indemnify the City for any loss or damage that may directly or indirectly be occasioned by the installation of the building sewer.

Before opening any street, alley, or public way, the City Recorder shall require a cash deposit sufficient to cover the cost of back filling the trench and restoring the street, alley, or other public way to its original condition. A permit may be issued by the City Recorder for the opening of a street, alley, or public way upon payment of said cash deposit, but the inspector may in his sole judgment determine the manner in which the excavation is to be made.

Section 39. Separate Installations. A separate and independent building sewer shall be provided for every building; except, where one building stands at the rear of another or an interior lot and no private sewer is available or can be constructed to the rear building through an adjoining alley, court, yard or driveway, the building sewer from the front building may be extended to the rear building and the whole considered as one building sewer.

Section 40. Inspection of Old Building Sewers. Old building sewers may be used in connection with new buildings only when they are found, on examination and test by the inspector, to meet all requirements of this ordinance.

Section 41. Specifications for Building Sewers. The size, slope, alignment, materials of construction of a building sewer, and the methods to be used in excavating, placing of the pipe, jointing, testing and backfilling the trench, shall all conform to the requirments of the building and plumbing code or other applicable rules and regulations of the City. In the absence of code provisions or in amplification thereof, the materials and procedures set forth in appropriate specifications of the A.S.T.M. and W.O.C.F. Manual of Practice No. 9 shall apply.

Section 42. Elevation; Lift. Whenever possible, the building sewer shall be brought to the building at the elevation below the basement floor. In all buildings in which any building drain is too low to permit gravity flow to the public sewer, sanitary sewage carried by such building drain shall be lifted by an approved means and discharged to the building sewer.

Section 43. Surface Drainage. No person shall make connection of roof downspouts, exterior foundation drains, areaway drains or other sources of surface runoff or groundwater to a building sewer or building drain which in turn is connected directly or indirectly to a public sanitary sewer.

Section 44. Specifications for Connections. The connection of the building sewer into the public sewer shall conform to the requirements of the building and plumbing code or other applicable rules and regulations of the City, or the procedures set forth in appropriate specifications of the A.S.T.M. and the W.O.C.F. Manual of Practice No. 9. All such connections shall be made gastight and watertight. Any deviation from the prescribed procedures and materials must be approved by the inspector before installation.

Section 45. Inspection. All work done in connection with any permit and in construction or installation of any sewer connection shall be done under the inspection and subject to the approval of the inspector, and shall be inspected and approved by him before the same

is covered. Any sewer that is covered before it is inspected and approved, shall be reopened, at the sole expense of the applicant in such manner as to be sufficient to permit a thorough inspection of the work. Any work found to be defective or not in conformity with provisions of this ordinance shall be removed and replaced in a manner and with materials as herein specified. All such work shall be completed within forty-eight (48) hours from the date designated as the beginning date of such permit, excluding, however, Saturdays, Sundays and other holidays.

Section 46. Persons permitted to Install Connections with a Sanitary Sewer. It shall be unlawful for any person other than a plumber, licensed by the State of Oregon as such, or an officer, or employee of the City of Elgin, to make any opening in any sanitary sewer owned and operated by the City of Elgin, or to connect any private sewer therewith.

Section 47. Owners Permit. Nothing in this ordinance shall be construed as prohibiting a bona fide owner or a member of his family from personally installing or repairing the sewer connected to his building and located upon his premises providing such building is a residence and is used for the occupancy of himself and his family as a dwelling place and providing further that any such installation or repair work shall meet thw requirments of this ordinance in all respects, and shall pass the inspection of the inspector or other authorized agents of the City.

Section 48. Barricades; Restoration of Public Property. All excavations for building sewer installation shall be adequately guarded with barricades and lights so as to protect the public from hazard. Streets, sidewalks, parkways and other public property disturbed in the course of the work shall be restored in a manner satisfactory to the City.

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ARTICLE V

Use of The Public Sewers

Section 49. Prohibited Drainage in Sanitary Sewers. No person shall discharge or cause to be discharged any stormwater, surface water, groundwater, roof runoff, subsurface drainage, uncontaminated cooling water or unpolluted industrial process waters into any sanitary sewer.

Section 50. Drainage in Storm Sewers. Stormwater and all other unpolluted drainage shall be discharged to such sewers as are specifically designated as combined sewers or storm sewers, or to a natural outlet approved by the inspector. Industrial cooling water or unpolluted process waters may be discharged, on approval of the inspector, to a storm sewer, combined sewer or natural outlet.

Section 51. Prohibited Discharges In Public Sewers. No person shall discharge or cause to be discharged any of the following described waters or wastes to any public sewers:

(a) Any gasoline, benzene, naphtha, fuel oil or other flammable or explosive liquid, solid or gas.

(b) Any waters or wastes containing toxic or poisonous solids, liquids or gases in sufficient quantity, either singly or by interaction with other wastes, to injure or interfere with any sewage treatment process, to constitute a hazard to humans or animals, to create a public nuisance or to create any hazard in the receiving waters of the sewage treatment plant, including but not limited to cyanides in excess of two mg/1 as CH in the wastes as discharged to the public sewer.

(c) Any waters or wastes having a pH lower than 5.5 or having any other corrosive property capable of causing damage or hazard to structures, equipment and personnel of the sewage works.

(d) Solid or viscous substances in quantities or of such size capable of causing obstruction to the flow in sewers or other interference with the proper operation of the sewage works such as, but not

limited to, ashes, cinders, sand, mud, straw, shavings, metal, glass, rags, feathers, tar, plastics, wood, unground garbage, whole blood, paunch manure, hair and fleshings, entrails and paper dishes, cups, milk containers, etc., either whole or ground by any means, including but not limited to, garbage disposals.

Section 52. Substances Prohibited in Public Sewers Except by Permission. No person shall discharge or cause to be discharged the following described substances, materials, waters or wastes if it appears likely in the opinion of the inspector that such wastes can harm either the sewers, sewage treatment process or equipment, have an adverse effect on the receiving stream or can otherwise endanger life, limb, public property or constitute a nuisance. In forming his opinion as to the acceptability of these wastes, the inspector will give consideration to such factors as the quantities of subject wastes in relation to flows and velocities in the sewers, materials of construction of the sewers, nature of the sewage treatment process, capacity of the sewage treatment plant, degree of treatability of wastes in the sewage treatment plant and other pertinent factors. The substances prohibited are:

(a) Any liquid or vapor having a temperature higher than 150° F (65° C).

(b) Any water or waste containing fats, wax, grease or oils, whether emulsified or not, in excess of 100 mg/1 or containing substances which may solidify or become viscous at temperatures between 32 and 150° F (0 and 65° C).

(c) Any garbage that has not been properly shredded. The installation and operation of any garbage disposal equipped with a motor of 3/4 hoursepower (0.76 hp metric) or greater shall be subject to the review and approval of the inspector.

(d) Any waters or wastes containing strong acid iron pickling wastes or concentrated plating solutions, whether neutralized or not.

(e) Any waters or wastes containing iron, chromium, copper, zinc

and similar objectionable or toxic substances; or wastes exerting an excessive chlorine requirement, to such degree that any such material received in the composite sewage at the sewage treatment works exceeds the limits established by the inspector for such materials.

(f) Any waters or wastes containing phenols or other taste or odor producing substances, in such concentrations exceeding limits which may be established by the inspector as necessary, after treatment of the composite sewage, to meet the requirements of the State, federal or other public agencies of jurisdiction for such discharge to the receiving waters.

(g) Any radioactive wastes or isotopes of such half life or concentration as may exceed limits established by the inspector in compliance with the applicable state or federal regulations.

(h) Any waters or wastes having a pH in excess of (9.5).

(i) Materials which exert or cause:

(1) Unusual concentrations of inert suspended solids (such as, but not limited to, fullers earth, lime slurries and lime residues) or of dissolved solids (such as, but not limited to, sodium chloride and sodium sulfate).

(2) Excessive discoloration (such as, but not limited to, dye wastes and vegetable tanning solutions).

(3) Unusual BOD, chemical oxygen demand or chlorine requirements in such quantities as to constitute a significant load on the sewage treatment works.

(4) Unusual volume of flow or concentration of wastes constituting "slugs" as defined herein.

(j) Waters or wastes containing substances which are not amenable to treatment or reduction by the sewage treatment processes employed, or are amenable to treatment only to such degree that the sewage treatment plant effluent cannot meet the requirments of other agencies having jurisdiction over discharge to the receiving waters.

Section 53. Reuirements for Discharge of Special Wastes. If

any waters or wastes are discharged, or are proposed to be discharged to the public sewers, which waters contain the substances or possess the characteristics enumerated in Section 52 of this article and which in the judgment of the inspector may have deleterious effect upon the sewage works, processes, equipment or receiving waters, or which otherwise create a hazard to life or constitute a public nuisuisance, the inspector may:

(a) Reject the wastes;

(b) Require pretreatment to an acceptable condition for discharge to the public sewers;

(c) Require control over the quantities and rates of discharge; and/or

(d) Require payment to cover the added cost of handling and treating the wastes not covered by existing taxes or sewer charges under the provisions of Section 58 of this article.

If the inspector permits the pretreatment or equalization of waste flows, the design and installation of the plants and equipment shall be subject to the review and approval of the inspector and subject to the requirments of all applicable codes, ordinances and laws.

Section 54. Interceptors. Grease, oil and sand interceptors shall be provided when, in the opinion of the inspector, they are necessary for the proper handling of liquid wastes containing grease in excessive amounts, or any flammable wastes, sand or other harmful ingredients; except, that such interceptors shall not be requied for private living quarters or dwelling units. All interceptors shall be of a type and capacity approved by the inspector and shall be located as to be readily and easily accessible for cleaning and inspection.

Section 55. Pretreatment of Flow Equalization. Where preliminary treatment or flow equalizing facilities are provided for any waters or wastes, they shall be maintained continuously in satisfactory and effective operation by the owner at his expense.

Section 56. Manholes. When required by the inspector, the owner of any property serviced by a building sewer carrying industrial wastes shall install a suitable control manhole together with such necessary meters and other appurtenances in the building sewer to facilitate observation, sampling and measurement of the wastes. Such manhold, when required, shall be in accordance with plans approved by the inspector. The manhole shall be installed by the owner at his expense and shall be maintained by him so as to be safe and accessible at all times.

Section 57. Sampling and Testing. All measurements, tests and analyses of the characteristics of waters and wastes to which reference is made in this ordinance shall be determined in accordance with the latest edition of "Standard Methods for the Examination of Water and Wastewater," published by the American Public Health Association, and shall be determined at the control manhole provided, or upon suitable samples taken at said control manhole. In the event that no special manhold has been required, the control manhole shall be considered to be the nearest downstream manhole in the public sewer to the point at which the building sewer is connected. Sampling shall be carried out by customarily accepted methods to reflect the effect of constituents upon the sewage works and to determine the existence of hazards to life, limb and property (The particular analyses will determine whether a 24 hour composite of all outfalls of a premises is appropriate or whether a grab sample or samples should be taken. Normally, but not always, BOD and suspended solids analyses are obtained from 24 hour composites of all outfalls, whereas pH's are determined from periodic grab samples.)

Section 58. Special Arrangements. No statement contained in this article shall be construed as preventing any special agreement or arrangement between the City and any industrial concern whereby an industrial waste of unusual strength or character may be accepted by the City for treament, subject to payment therefor by the industrial

concern.

ARTICLE VI

Protection from Damage

Section 59. Damage; Disorderly Conduct. No unauthorized person shall maliciously, wilfully or negligently break, damage, destroy, uncover, deface or tamper with any structure, appurtenance or equipment which is a part of the sewage works.

ARTICLE VII

Powers and Authority of Inspectors

Section 60. Inspections; Right of Entry. The inspector and duly authorized employees and agents of the City bearing proper credentials and identification shall be permitted to enter all properties for the purposes of inspection, observation, measurements, sampling and testing in accordance with the provisions of this ordinance. The inspector or his representatives shall have no authority to inquire into any processes including metallurgical, chemical, oil refining, ceramic, paper or other industries beyond that point having a direct bearing on the kind and source of discharge to the sewers or waterways or facilities for waste treatment.

Section 61. Liability. While performing the necessary work on private properties referred to in Section 60 above, the inspector or duly authorized employees of the City shall observe all safety rules applicable to the premises established by the company; and the company shall be held harmless for injury or death to the City employees; and the City shall indemnify the company against loss or damage to its property by City employees and against liability claims and demands for personal injury or property damage asserted against the company and growing out of the gauging and sampling operation; except as such may be caused by negligence or failure of the company to maintain safe conditions as required in Section 56.

Section 62. Easements. The inspector and duly authorized employees and agents of the City, bearing proper credentials and

identification shall be permitted to enter all private properties through which the City holds a duly negotiated easement for the purposes of, but not limited to, inspection, observation, measurements, sampling, repair and maintenance of any portion of the sewage works lying within said easement. All entry and subsequent work, if any, on said easement shall be done in full accordance with the terms of the duly negotiated easement pertaining to the private property involved.

ARTICLE VIII

Penalties

Section 63. Notice of Violation. Any person found to be violating any provision of this ordinance, except Article VI, shall be served by the City with written notice stating the nature of the violation and providing a resonable time limit for the satisfactory correction thereof. The offender shall, within the period of time stated in such notice, permanently cease all violations.

Section 64. Penalty. Any person who shall continue any violation beyond the time limit provided for in Section 63 shall be guilty of an offense, an on conviction thereof shall be fined in the amount not exceeding $100.00 for each violation. Each day in which any such violation shall continue shall be deemed a separate offense.

Section 65. Liabiltiy of Violators. Any person violating any of the provisions of this ordinance shall become liable to the City for any expense, loss or damage occasioned The City by reason of such violation.

ARTICLE IX

User Charges

Section 66. Rates and Assessments. The City Council shall, by resolution, establish rates, hook-up fees and other assessments it deems necessary for the use of the sewer.

Section 67. Annual Review . The City Council shall review the sewer use charges on an annual basis.

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## ARTICLE X

## Miscellaneous

Section 68. Severability. Each of the provisions of this ordinance are severable; and if any provision shall be declared to be invalid by a court of competent jurisdiction the remaining provisions shall not be affected but shall remain in full force and effect.

Section 69. Emergency. This ordinance being necessary for the immediate preservation of the public peace, health and safety of the residents of the City of Elgin, an emergency is declared to exist and the terms and provisions of this ordinance shall become effective immediately upon its passage and approval.

PASSED and ADOPTED this 10th day of March, 1981, by Six (6) Councilmen voting therefor.

Approved this 18 day of March, 1981.

Russell Hay
Mayor

ATTEST:

SEAL

Betty Hulse
Recorder-Treasurer

106919

INDEXED

STATE OF OREGON }
County of Union }

I certify that the within instrument of writing was received for record on the 18th day of Nov. 1981 at 8:30 o'clock A. M., and recorded on page in book Record of Deeds of said County.

SHIRLEY L. BOLIN County Clerk

By Barbara C. Baker Deputy